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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 CLAYTON HOWARD,
15 Defendant.

16 Case No.: 2:20-cr-090 TLN

17 STIPULATION AND ORDER SETTING
18 STATUS CONFERENCE AND
19 EXCLUDING TIME UNDER THE SPEEDY
TRIAL ACT

20

21 Date: December 2, 2021
Time: 10:00 a.m.
Court: Hon. Troy L. Nunley

22 Plaintiff United States of America by and through Assistant United States Attorney
23 Cameron Desmond, and Attorney Todd Leras on behalf of Defendant Clayton Howard, stipulate
as follows:

- 24
- 25 1. This matter was previously set by stipulation for a status conference before Senior
United States District Judge Morrison C. England, Jr., on December 2, 2021. The
26 Chief Judge, by Minute Order (ECF Entry 29) dated November 9, 2021, reassigned
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1 the matter to this Court, vacated all dates, and directed the parties to reschedule the
2 matter. By this stipulation, the parties jointly request to set a status conference on
3 January 27, 2022.

- 4
- 5 2. This case involves a felon in possession of ammunition charge stemming from
6 execution of a search warrant in San Joaquin County. The government has provided
7 written reports related to execution of the search warrant to defense counsel as
8 discovery materials. Defense counsel is presently engaged in conducting defense
9 investigation and has requested an opportunity to inspect the evidence seized during
10 execution of a search warrant at Defendant's home in Stockton, California. The
11 government and defense counsel are coordinating regarding a mutually convenient
12 date for such inspection to occur.
- 13
- 14 3. Inspection of the evidence is a prerequisite to additional investigation into possible
15 defenses and sentence mitigation. Defense counsel therefore requests to continue this
16 matter to January 27, 2022. The government does not oppose the request.
- 17
- 18 4. Given the need for additional time to conduct ongoing and future defense
19 investigation, Defendant Howard requests to exclude time between December 2, 2021
20 and January 27, 2022, inclusive, under Local Code T-4.
- 21
- 22 5. Attorney Todd Leras represents and believes that failure to grant additional time as
23 requested would deny Defendant Howard the reasonable time necessary for effective
24 preparation, considering the exercise of due diligence.
- 25
- 26 6. Based on the above-stated facts, Defendant Howard requests that the Court find that
27 the ends of justice served by continuing the case as requested outweigh the best
- 28

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1 interest of the public and the Defendant in a trial within the time prescribed by the
2 Speedy Trial Act.

- 3
- 4 7. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*
seq., within which trial must commence, the time period of December 2, 2021 to
5 January 27, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. §
6 3161(h)(7)(A), and (B) (iv) [Local Code T-4] because it results from a continuance
7 granted by the Court at Defendant Howard's request on the basis that the ends of
8 justice served by taking such action outweigh the best interest of the public and the
9 Defendant in a speedy trial.
10
- 11 8. Nothing in this stipulation and order shall preclude a finding that other provisions of
12 the Speedy Trial Act dictate that additional time periods are excludable from the
13 period within which a trial must commence.
14

15 Assistant U.S. Attorney Cameron Desmond has reviewed this proposed order and
16 authorized Todd Leras via email to sign it on her behalf.
17

18
19 DATED: December 7, 2021

PHILLIP A. TALBERT
Acting United States Attorney

20 By /s/ Todd D. Leras for
21 CAMERON DESMOND
22 Assistant United States Attorney
23

DATED: December 7, 2021

24 By /s/ Todd D. Leras
25 TODD D. LERAS
26 Attorney for Defendant
27 CLAYTON HOWARD
28

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ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that a status conference in this matter is scheduled for January 27, 2022, at 9:30 a.m. The Court further finds, based on the representations of the parties and Defendant Howard's request, that the ends of justice served by granting the continuance outweigh the best interests of the public and the Defendant in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from December 2, 2021, up to and including January 27, 2022.

IT IS SO ORDERED.

DATED: December 9, 2021

Troy L. Nunley

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